

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6915**

**BILL NUMBER:** SB 180

**NOTE PREPARED:** Feb 4, 2003

**BILL AMENDED:** Jan 30, 2003

**SUBJECT:** Access to Autopsy Information.

**FIRST AUTHOR:** Sen. Dillon

**FIRST SPONSOR:** Rep. C. Brown

**BILL STATUS:** As Passed - Senate

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill permits a physician or coroner to use a photograph, a video recording, or an audio recording of an autopsy to consult with a forensic scientist or forensic pathologist. It also describes identifying information that must be masked or removed from an autopsy photograph, video recording, or audio recording before it may be used for training or educational purposes. The bill requires a physician and coroner or coroner's designee to warn each person to whom the information is released that the information may not be used for a purpose other than the purpose for which it was originally released. The bill makes it a Class A misdemeanor for a person who is granted access to autopsy information for training, education, or professional consultation to use it for a purpose other than the purpose for which it was originally released. It also makes a technical correction.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** (Revised) Under current law, a person who is the custodian of a photograph, a video recording, or an audio recording of an autopsy and who knowingly or intentionally violates the chapter or a court order issued under the chapter commits a Class D felony. The bill would change this penalty to a Class A misdemeanor and would create a Class A misdemeanor for a person receiving information on an autopsy knowingly or intentionally using the information for a purpose other than the specified purpose.

The bill potentially reduces the costs to the state because, generally, an offender convicted of a misdemeanor is incarcerated in county jails, while an offender convicted of a felony may be sentenced to state prison. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. Between FY 1997 and 2001, there were no offenders committed to state prison facilities

for the Class D felonies. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.)

**Explanation of State Revenues:** (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (Revised) A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** (Revised) If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

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